

Affordable Housing Funding Notice

Oregon Housing and Community Services



Notice of Funding Availability (NOFA) 2022-8 Veterans Projects & Small Project Development of Affordable Housing

NOFA Issued Date: **June 6, 2023**

Pre-Application Due Date: **June 22, 2023 4:00 PM PST**

Final Application Due Date: **Aug 22, 2023 4:00 PM PST**

Version 1.0

www.oregon.gov/ohcs



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1. Overview

1.1. Purpose:

The Oregon Housing and Community Services Department (“OHCS”) is seeking applications (“Applications”) in response to this Notice of Funding Availability (“NOFA”) for building affordable housing for Veterans, Agricultural Workers and for projects that are fewer than 40 units. This consolidated NOFA offers multiple sources of funds through funding programs with specific eligibility requirements and restrictions for affordable housing activities. The following funding sources are made available through this NOFA: General Housing Account Program (GHAP), Housing Development Grant Program (HDGP), Permanent Supportive Housing (PSH) and Agriculture Workforce Housing Tax Credit Program (AWHTC). These sources are established in Oregon Revised Statutes (“ORS”) ORS 458.665 and Oregon Administrative Rules (“OAR”) Chapter 813 Divisions 41, 45, 55, and 138. Criteria for each source of funds is explained in greater detail below.

1.2. NOFA Definitions:

1.2.1. Affirmatively Furthering Fair Housing (AFFH):

Is a provision of the 1968 federal Fair Housing Act¹ that legally requires that all federal departments and agencies, as well as grantees of federal funding, must administer their programs and activities relating to housing and urban development in a manner that affirmatively furthers the purposes of the Fair Housing Act. The Fair Housing Act has two primary purposes – to prevent discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability and to reverse housing segregation - affirmatively furthering fair housing is fulfilling the dual purpose of the law. Specifically, as enforced by the U.S. Department of Housing and Urban Development (HUD), affirmatively furthering fair housing means engaging in meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity based on protected characteristics by replacing segregated living patterns with truly integrated and balanced living patterns that foster inclusion, by transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and by ensuring compliance with civil rights and fair housing laws.

1.2.2. Agreement Documents:

The legal funding documents executed in connection with the Project, the final form of which is satisfactory to OHCS, in consultation with the Oregon Department of Justice.

1.2.3. Agricultural Worker:

Means any person who, for an agreed remuneration or rate of pay, performs temporary or permanent labor for another in the production of agricultural or aquacultural crops or products; handling of agricultural or aquacultural crops or products in an unprocessed stage; processing of agricultural or aquacultural crops or products; planting, cultivating, or harvesting of seasonal agricultural crops; or forestation or reforestation of lands, including but not limited to the planting, transplanting, tubing, precommercial thinning and thinning

¹ For further information, see Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608, and Executive Order 12892.

of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities.

1.2.4. Allocation:

Includes any funding or tax credits allocated through this NOFA.

1.2.5. Applicants:

Persons or entities submitting an Application responsive to this NOFA and assuming the responsibility for ownership and complying with all funding requirements.

1.2.6. Chronic Homelessness:

Households identified as chronically homeless by a project's local Continuum of Care (CoC).

If no definition exists, "chronically homeless households" means:

1. a individual who:
 - a. Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter;
 - b. Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last three years; and
 - c. Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability.
2. An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facilities, for fewer than 90 days and met all the criteria in paragraph (1) of this definition, before entering that facility; or
3. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

1.2.7. Continuum of Care (CoC):

A regional or local planning body that coordinates housing and services funding for families and individuals experiencing homelessness. The group organized to carry out the responsibilities required under 24 CFR part 578 and is composed of representatives of organizations, including nonprofit homeless service providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless individuals to the extent these groups are represented within the geographic area and are available to participate.

1.2.8. Coordinated Entry:

A centralized or coordinated process developed to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred, and connected to housing and assistance based on their strengths and needs, operated by a region's Continuum of Care.

1.2.9. Homeless and Homeless Persons:

For the purposes of this NOFA, the terms “Homeless” and “Homeless Persons,” follows the HUD definition of Homeless.

https://files.hudexchange.info/resources/documents/HomelessDefinition_RecordkeepingRequirementsandCriteria.pdf

1.2.10. OHCS Guidelines:

Can be found online at www.oregon.gov/ohcs/ in the “grants and tax credits” link. For the purposes of this NOFA, applicable guidelines include but are not limited to the General Policy & Guidance Manual (GPGM), General Housing Account Program manual (GHAP Manual), and Core Development Manual (CDM).

1.2.11. Permanent Supportive Housing (PSH):

Is a housing or program type that combines a leased unit with rental assistance and comprehensive tenancy support services for persons experiencing chronic homelessness so that they may live independently. Please note: PSH is appropriate for and serves a wide variety of populations; the PSH in this NOFA focuses on serving households who are experiencing chronic homelessness as defined in Section 1.2.6.

1.2.12. Procore™ WorkCenter:

Is a secure portal technology solution by ProLink Solutions™ and used by OHCS to help facilitate collaboration and communication models for all Applicants and future housing partners. The Procore™ WorkCenter includes a repository for electronic document submission, a task management and tracking tool, an events calendar, and communication features.

1.2.13. Project(s):

An affordable housing project or projects responsive to this NOFA.

1.2.14. Regional Area(s):

The areas as defined in Sections 1.2.15 and 1.2.17.

1.2.15. Regional Set-Aside:

Funding reserved for a specific geographic Regional Area.

1.2.16. Rural Areas:

Communities outside of the Portland Urban Growth Boundary with a population of 15,000 or less in counties within Metropolitan Statistical Areas (MSAs) (Benton, Clackamas, Columbia, Deschutes, Jackson, Josephine, Lane, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties) and in communities with a population of 40,000 or less in the balance of the State.

1.2.17. Tribe or Tribal:

A federally recognized Indian Tribe in Oregon, as defined in ORS 182.162

1.2.18. Urban Areas:

Areas in all other parts of Oregon that aren't included in the “Rural Areas” definition.

1.2.19. Veteran:

Has the meaning given in ORS 408.225 and also includes a person who served in the military, naval, or air service that has been discharged or released from that service and has been determined by the United States Department of Veteran's Affairs to be eligible to receive any benefit from that Department.

1.3. Funding Sources and Availability:

1.3.1. Gap Financing Grant Resources

Gap funding available through this NOFA is through the General Housing Account Program (GHAP), and the Housing Development Grant Program (HDGP). These resources are pooled together and referred to as Gap funding. Gap funding is reserved for Projects that meet specific eligible Application parameters.

Veterans' GHAP

Twenty-five percent of funding collected under the GHAP Program is required by statute to serve veterans. This mandated set-aside of funds is commonly referred to as "Veterans' GHAP" or "VGHAP".

Small Project GAP

This is a combination of GHAP, HDGP and Oregon general funds for new construction of affordable housing projects that are 40 units or fewer.

This NOFA allows different types of funding to be used separately for a small project or veterans' project OR combined for a small project that integrates veteran units. There is no point preference for any of these scenarios.

If additional Gap resources become available from interest earnings or other means, OHCS reserves the right to make available additional resources through this NOFA. If, for any reason, beyond OHCS' control, the amount of Gap funds available are less than anticipated, OHCS reserves the right to decrease the amount of Gap funds available in this offering. If there is a Project that cannot be funded with the remaining Gap resources available, OHCS may, at its discretion, leverage other OHCS funding resources to fully fund a Project.

All Gap program requirements governing funding (as referenced in Section 1.2.10) and relevant to a particular Application in response to this NOFA must be satisfied by the Applicant to qualify for funding through this NOFA.

1.3.2. Agriculture Workforce Housing Tax Credit (AWHTC):

OHCS is offering Agricultural Workforce Housing Tax Credits (AWHTC) as an eligible gap source through this NOFA to Projects that include a unit set-aside for agricultural workers and their families. AWHTC may cover up to 50% of eligible costs associated with housing construction. AWHTC may only be used for a Project with Small Project funding or for a project that combines Small Project funding and Veterans' funding. Information about the AWHTC Program is available here:

<https://www.oregon.gov/ohcs/development/Pages/Agriculture-workforce-housing-tax-credits-2023.aspx> Contact Martin Jarvis, the state tax credit Program Manager, at martin.jarvis@hcs.oregon.gov with program questions.

1.3.3. Oregon Affordable Housing Tax Credits (OAHTC):

OAHTC are a state income tax credit that act as a rent reduction tool passing through the savings from reduced interest rates on permanent loans to tenants by reducing tenant rents. The OAHTC program allows banks to lower interest rates on loans for affordable housing by up to 4% and claim a state income tax credit equal to the lost interest income due to the lower rate. Projects must pass 100% of interest savings to low-income tenants in the form of reduced rent. This is known as rent pass through. Pass through is not required on specific types of preservation projects. Sponsors requesting OAHTC for their projects must provide evidence that the lender is willing to participate in OAHTC program. This evidence must include a letter of interest from the lender. Contact Martin Jarvis, the state tax credit Program Manager at martin.jarvis@hcs.oregon.gov with program questions.

1.3.4. Permanent Supportive Housing (PSH):

Permanent Supportive Housing (PSH) project-based rental assistance and services funding is available for applicants seeking to develop PSH units in their Project. Projects must serve qualified low-income households that are Chronically Homeless, as defined in this NOFA or otherwise locally defined by a region's Continuum of Care (CoC) or the community-wide homelessness services system. Households should be assessed and identified by a region's Coordinated Entry system. To best serve PSH-eligible households, PSH projects must utilize project-based rental assistance and provide on-site, comprehensive tenancy support services that allow for long-term housing stability and wellness. Applicants who apply for and receive a reservation for PSH project-based rental assistance and/or services slots must agree to participate in the OHCS-sponsored Supportive Housing Institute, if a project has not already completed one. Projects utilizing PSH resources must comply with all PSH Program requirements. For more information, please refer to the [OHCS PSH Rental Assistance Framework and the PSH Services Framework](#) or contact Dana Schultz, Permanent Supportive Housing Program Manager: Dana.SCHULTZ@hcs.oregon.gov.

1.3.5. Funding source availability

1. Small Project Gap funds: Up to **\$45,000,000**
Regional Set-Asides for Small Projects Gap funds:
 - a. \$18 million set-aside for Urban regions
 - b. \$27 million set-aside for Rural regions
2. Veterans Project funding (VGHP): Up to **\$26,000,000**
Regional Set-Asides for Veterans Gap funds:
 - a. \$13 million set-aside for Urban regions
 - b. \$13 million set-aside for Rural regions
3. Up to **\$7.5 million** AWHTC available through this NOFA.
4. **30 slots** of PSH rental assistance and services funding are available through this NOFA.
5. This NOFA is offering OAHTCs available to cover up to \$5 million in permanent loan debt.

1.3.6. Affordability Periods and Funding Source Restrictions

1. Units funded through Gap (GHAP, VGHP, and HDGP) must restrict subsidized units rents and incomes for at least 60 years of affordability at or below 80% AMI

- Maximum subsidy limits by unit type for Small Project and VGHP requests:

Unit Types	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom
Subsidy Limit	\$145,000	\$200,000	\$250,000	\$300,000
Homeless Unit Subsidy Limit*	\$174,000	\$240,000	\$300,000	\$360,000

*To qualify as a homeless unit, the unit must serve Homeless Persons as defined in section 1.2.9 for the duration of the affordability period.

- Projects using OAHTC must restrict affordable units with OAHTC affordability restrictions for at least 20 years and reduce rents 10% AMI or lower.
- Projects utilizing PSH rent assistance or services funding must intend to operate PSH and serve households experiencing chronic homelessness for at least 15 years.
- Income and Rent restrictions are based on LIHTC program limits, which are defined by HUD's Multifamily Tax Subsidy Projects (MTSP) Income Limits.
- The following chart lists the rent, income, and affordability restriction requirements of each source offered through this NOFA:

Programs	Rent Restriction	Income Restriction	Affordability Period
Small Projects/VGHP	80% AMI	80% AMI	60 years
OAHTC*	70% AMI	70% AMI	20 years
PSH Slots	60% AMI	60% AMI	N/A**
AWHTC	-	-	10 years

*OAHTC Passthrough cannot be demonstrated on units with Project Based Rental Assistance.

**Contract Terms for OHCS PSH Services Funding and Rental Assistance are no less than 15 years, contingent on biennial funding appropriations by the Legislature.

1.4. Project Application Requirements

In addition to any other requirements in this NOFA, the following requirements apply to all Projects funded through this NOFA ("Project Requirements"):

1.4.1. Eligibility

- Any request for funds shall not exceed the available funds offered through this NOFA and any request for funds shall not exceed the maximum per-unit subsidy limits permitted in section 1.3.6.2.
- Any request for funding not offered through this NOFA will be rejected.
- The Project must offer long-term tenant leases (one year or more).
- Project budgets must include GHAP or VGHP capital funding offered through this NOFA. For example, a project may not request PSH rent assistance and/or services funding without a request for GHAP or VGHP capital funds.
- Applicants may only submit one Application per Project site. OHCS will only accept one Application for a specific site or for any part of the same site, regardless of whether Applications are submitted by the same Applicant or by multiple Applicants.
- Each Applicant may submit up to two applications in response to this NOFA.
- Projects that have already been funded through a competitive OHCS NOFA are not eligible for additional capital funding through this NOFA.

8. All Projects must comply with applicable labor laws. Projects must contact the Oregon Bureau of Labor and Industries (BOLI) and receive a determination of project labor wage requirements prior to construction closing.
9. In a mixed-use Project with market rate units or commercial retail space, market rate rents and commercial income may not be used to support the low-income residential Project. The project budget must clearly separate OHCS funding from all non affordable housing square footage of the project and any comparable common area such as parking must be funded without government subsidy.
10. Applicants may apply only for one phase of a multi-phase Project. If the project intends to parcel the acquired property for future phases, that must be disclosed in the project description narrative of the application.

1.4.2. Small Project Requirements

1. Eligible projects must have 40 units or fewer and at least 5 units per site. If a project is requesting partial subsidy through the Veterans set-aside, the entire project must still contain 40 units or less. Small Project resources are intended for small projects.
2. The following types of Project activities are eligible:
 - a. New Construction
 - b. Conversion of non-residential structures to residential
3. For Projects that are not 100% restricted for AWHTC, the AWHTC restricted units may “float” within the units of a designated Project site. This means that the restrictions are not tied to specific physical units in the Project site but to the total number of restricted units within a site. AWHTC units may not float between sites in a scattered site project.
4. AWHTC subsidy restricts housing for agriculture workforce housing.
5. The number of AWHTC units restricted in the Project is based on the number of tax credits requested divided by the total Project cost. This fraction is applied toward the total number of affordable units in the Project rounded up to reach the minimum number of AWHTC restricted units. An AWHTC calculation tab is included in the Application and will provide the minimum number of units required for Agricultural workforce housing.

1.4.3. Veteran Project Requirements

1. The following types of Project activities are eligible:
 - a. New Construction
 - b. Conversion of non-residential structures to residential
2. Units subsidized with VGHP cannot pair with AWHTCs.
3. VGHP awarded through this NOFA must serve veterans by way of restricting units to house veterans as the primary population (Sec. 1.2.18). Projects must, at a minimum, reserve a proportionate percentage of units to serve veterans that is equal to the percentage of VGHP capital request to the total OHCS capital subsidy request. For example, if VGHP accounts for 75% of the Project’s total OHCS subsidy request then at least 75% of the Project’s units must be set-aside to serve veterans. Fractions must be rounded up to the nearest whole unit. For example, 75% of 10 units is at least 8 units reserved for veterans.
4. At minimum, 30% or more of Project units must serve veterans to qualify for VGHP funding.

5. For Projects that are not 100% restricted to serving veterans, the veteran restricted units may “float” within the units of a designated Project site. This means that the restrictions are not tied to specific physical units in the Project site but to the total number of restricted units within a site. Veteran units may not float between sites in a scattered site project.

1.4.4. Underwriting Guidelines

OHCS uses underwriting guidelines in its due diligence and Application review process to ensure ongoing Project viability and risk mitigation throughout the development process and subsequent compliance period. These standards and guidelines include, but are not limited to:

1. Primary debt coverage ratio (DCR) in year 1 must be within OHCS guidelines (1.15-1.30) unless permanent debt underwriting requires a variance (provide supporting evidence) or if a higher DCR is proposed, it is adequately explained in the application’s financial assumptions narrative. If OAHTC’s are included, minimum debt coverage of 1.20 is required after the OAHTC pass-through is applied.
2. If there will be no permanent debt on the Project, a positive cash flow is required to be maintained through the 30-year pro forma period.
3. 7% vacancy rate.
4. 2% annual escalation of rents and 3% annual escalation of expenses.
5. No operating reserves may be funded with OHCS funds awarded through this NOFA.
6. No more than 10% of OHCS funds can be used to capitalize construction replacement reserves.
7. The initial capitalized operating reserve must be equal to six months of the operating expenses and debt service as shown in the application on the Operating Budget sheet. (Note: the application must show annual expenses. The annual expense amount must be divided by two to calculate expenses for six months.)
8. Minimum annual replacement reserve deposit of \$450 per unit.
9. Prior to construction closing, a Phase 1 Environmental Site Assessment (ESA) is required. The study must be no older than one year from the date of Application. If a Phase 1 ESA has already been performed prior to application, it must be submitted with the Site Review Checklist.
10. OHCS requires a 10% retainage (often referred to as a “holdback”) of the GAP funds through project completion.
11. Operating expenses are between \$4,500- \$6,500 per unit per annum (PUPA), excluding property taxes and resident services expenses
12. Developer Fee aligns with the table provided in the Application and the NOFA materials on OHCS’s website.
13. Units that are utilizing PSH Rental Assistance must be supplied with owner-paid utilities. An owner-provided utility allowance does not meet the requirement. The requirement is to ensure households with previous utility debt are not barred from accessing PSH units and to prevent PSH households from facing eviction if they are unable to obtain and/or maintain their unit’s utilities. If a Project is utilizing rental assistance from a provider other than OHCS, this requirement does not apply. **It is considered best practice to provide owner-paid utilities for PSH units.*

1.4.5. Compliance Monitoring

A compliance monitoring charge of \$25 per rental unit is required annually. This charge may be adjusted over time by OHCS at its sole discretion. Monitoring will address elements of Project operation, including but not limited to:

1. Initial household income verification.
2. Annual income verification, including self-certification.
3. Risk-based physical inspections every 1-3 years based on Project condition.

1.4.6. Layering Restrictions

If public capital or operating subsidy are used from other funding sources, relevant compliance requirements of those sources also apply. In general, where there are overlapping restrictions, the most restrictive apply.

1.4.7. Minority, Women, Emerging Small Businesses (MWESB)

OHCS requires sponsors and developers of affordable housing to seek Certification Office for Business Inclusion and Diversity (COBID) and non-COBID MWESB and Service-Disabled Veteran's Business Enterprise (SDVBE) professional firms to increase the participation level of minority-owned businesses in its construction Projects to meet OHCS' MWESB goals as determined by region. OHCS encourages the utilization of local labor and partnering with the community to help build healthy, affordable homes, which addresses OHCS' goal of increasing apprenticeship programs in Oregon and improving economic and social vitality while increasing pathways out of poverty. Applicants are scored on future NOFA's based on how successful they were in meeting OHCS MWESB/SDVBE in previous NOFAs showing approach and strategy towards MWESB/SDVBE engagement and contracting, to successfully meet the requirements of OHCS's MWESB Compliance Policy.

Applicants are required to identify their approach and proposed MWESB percentage goals they use to contract with MWESB/SDVBE COBID contractors/subcontractors and to report their MWESB/SDVBE progress at the end of each calendar quarter (March, June, September, December). This reporting must include a list of each contractor or subcontractor hired, the contract amount for each of those firms, their COBID certification status, and specifics around what their self-identified MWESB/SDVBE category is, if applicable. This list must include all businesses contracted with, including but not limited to consultants, architects, legal representation, relocation services, environmental services, all construction, and contracting trades involved in planning, construction, and operation of the proposed Project.

The general contractor and the developer may utilize and include non-COBID certified firms owned by a person identifying as a member of a Black, Indigenous, and People of Color community, and other qualifying firms as stated above in their MWESB/SDVBE reporting, provided that the non-COBID certified MWESB/SDVBE firms listed, are encouraged to become, and assisted with becoming, a COBID certified firm before Project construction completion. Applicants can find the MWESB/SDVBE requirements at the following web link: <https://www.oregon.gov/ohcs/development/Pages/mwesb-sdvbe-rental-housing.aspx>

2. Application

2.1. Pre-Application and Application Access

To apply for funds under this NOFA there are two steps: 1. submission of a pre-application along with a site review checklist (required to receive access the application), and 2. submission of the full NOFA Application. The process is as follows:

2.1.1. Download the Pre-Application and Site Review Checklist from the OHCS website here:
<https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx>

2.1.2. Attachments for the Site Review Checklist are not required at pre-application but are required by the Application submission deadline.

2.1.3. Submit the completed pre-application and Site Review Checklist to MFNOFA@hcs.oregon.gov by the pre-application due date and time listed in section 2.2.1. This action will alert OHCS to generate Procorem access credentials for the Project. OHCS expects to generate the Procorem credentials within three business days of the Pre-Application due date.

2.1.4. Once credentials are received, go to the Procorem login page:
<https://app.procorem.com/login> to your Applicant WorkCenter and access the NOFA Application. OHCS plans to upload the Application to all Procorem WorkCenters within seven business days after receipt of pre-applications.

2.2. Submissions

2.2.1. Pre-Application

The pre-application along with all required materials and documentation, must be received according to the steps in Section 2.1 by the Pre-Application due date and time of **June 22, 2023 at 4:00 PM PST**. There is no pre-application fee.

2.2.2. Application

The Application along with all required supplementals and documentation must be uploaded to the Applicant's Procorem WorkCenter by the Application due date and time of **August 22, 2023 at 4:00 PM PST**. Instructions for required materials and submission are on the first tab of the Application.

Applications can only be submitted electronically through Procorem. Hard copies, faxes, and electronic copies not submitted through Procorem will be rejected and not reviewed or considered for funding.

2.2.3. Application Charge Submission

1. Must be postmarked no later than **August 22, 2023**.
2. Applicants must submit application charges via mail. OHCS cannot accept electronic payment for Application charges.
3. Payments must be sent along with the **transmittal form**. This form is provided inside the Application Excel document as its own tab. It is vital that you remit payment along with this printed form for proper routing.

4. Application charges are not refundable once an Application is submitted and charges deposited.

Attn: Accounting (503)986-6760
Oregon Housing and Community Services
725 Summer St. NE, Suite B
Salem, OR 97301

2.3. NOFA and Application Questions

- 2.3.1. Send all questions relating to the NOFA to: MFNOFA@hcs.oregon.gov
- 2.3.2. Please note "**Veterans/Small Project NOFA**" in the subject line. Frequently Asked Questions (FAQs) and answers will be posted on the OHCS website and Applicant Procorem WorkCenters related to this NOFA at regular intervals during the time that the NOFA response period is open and considered an addition or clarification to this NOFA. The NOFA response period is available from the time of this NOFA release until **August 15, 2023**.
- 2.3.3. Changes or modifications to the NOFA will ONLY be recognized if in the form of a written Technical Advisory (TA) issued by OHCS. OHCS will post the TAs on the department fund offering page: <https://www.oregon.gov/ohcs/development/Pages/notice-of-funds-availability.aspx>

3. Evaluation Process

After the Application submission deadline, Applications will undergo a Threshold Review (described in Section 3.1) which includes timeliness, completeness, and pass/fail criteria. Applications that satisfy Threshold Review will pass on to scoring.

When OHCS reviews Applications for completeness, if a required document or form is missing from an Application submission OHCS will notify the sponsor and give five business days to provide it for inclusion to Threshold Review and scoring.

3.1. Threshold Review Determination

Applications determined by OHCS to be incomplete, to not meet all submission requirements of this NOFA, or otherwise fail to satisfy Threshold Review requirements will be rejected without further review. Applications considered complete, meeting all submission requirements, and otherwise satisfying all Threshold Review requirements by OHCS will be scored based on criteria listed in section 3.3.

3.2. Threshold Requirements

3.2.1. Eligibility Compliance

The project and application must align with all eligibility requirements stipulated in Section 1.4.

3.2.2. Timeliness and completeness

Each Application will be reviewed for timeliness and completeness of the NOFA requirements. The following are Pass/Fail criteria:

1. Application complete and properly submitted and received by due date and time as required in Section 2.2

2. Charge Transmittal Form and Application Charge received timely.
3. Board of Directors Resolution included with application submission (if applicable)
4. Organizational Documents included with application submission (if applicable)
5. The Project meets the required Project criteria listed in Sections 1 and 2.

3.2.3. MWESB/SDVBE

Applicants are required to fill in the MWESB Engagement Strategy tab of the Application and agree to the Region Minimum percentage goal generated in cell G13 of the Application. Failure to complete this area of the application will be an automatic threshold rejection.

3.2.4. Resident Services Description

Applicants must submit a Resident Services Description at the time of Application, which describes in detail the scope of the implementation plan, the desired goals, any partners, and the final resident services plan. If a project plans to develop PSH units, a PSH Services Budget and evidence of the commitment of a Services Provider is required. The PSH Services Budget is a preliminary budget and must be submitted on the PSH Services Budget Template that is part of the Application Excel Workbook. If the project requests AWHTC the Resident Services Description must include additional consideration for farmworkers and their families.

3.2.5. Ownership Integrity

Applicants must adhere to the following:

1. Single-Asset Ownership: The Project will be owned by a single-asset entity duly organized under the laws of the State of Oregon or, if allowed by OHCS, duly authorized to conduct business in the State of Oregon.
2. Neither Applicant nor any member or principal within the Project ownership or management will have been convicted of fraud, misrepresentation, theft or other acts of moral turpitude within the previous ten years.
3. Neither Applicant nor any member or principal within the Project ownership or management will have been involved in a bankruptcy proceeding within the previous five years.
4. Neither Applicant nor any member or principal within the Project ownership or management will have been debarred or otherwise sanctioned by OHCS.

3.2.6. Readiness to Proceed

Applications must demonstrate the Project's readiness to proceed based on zoning and site control:

1. Zoning:

The Project must be properly zoned for the type of intended Project at NOFA Application due date. The Applicant must provide the Certification of Zoning executed by the appropriate zoning authority to verify this. Projects that must complete a zoning change to develop the Project will not be funded. A Certificate of Zoning form is provided in the Project WorkCenter.

2. Site Control:

Applicant must have control of the land necessary for the Project by the Application deadline. Site Control information is provided in the application and Site Control evidence must be uploaded along with the Application. Option and sales agreements

must be valid through the end of calendar year 2023. Acceptable forms of site control include:

- a. a recorded deed or conveyance showing the Applicant is the owner of the site,
- b. a valid purchase and sale agreement,
- c. a valid option to purchase,
- d. a valid option for a long-term lease (at least 62 years), satisfactory to OHCS, or
- e. other evidence satisfactory to OHCS must be approved prior to the Application deadline (reference Sec 2.3 for submitting approval questions).

3.2.7. Federal Funding Status

If the Applicant has identified federal resources (such as rental or capital assistance from the US Dept. of Housing and Urban Development (HUD), US Dept. of Agriculture-Rural Development (USDA-RD), or Veterans Affairs (VA)) as part of the funding structure, the Applicant must provide evidence satisfactory to OHCS that an application for these resources has been submitted and remains active or that demonstrates that the sources are secured for the Project. For USDA-RD, this is a Pre-Application Consultation Letter that includes the contact and a summary of the understanding established to-date as well as expectations about the next steps in the process.

3.2.8. Adequacy of Development Schedule

1. Within the development schedule provided in the Application, the Applicant must demonstrate compliance with the required deadlines for each applicable funding program applied for. These may include but are not limited to: Gap, PSH, AWHTC and OAHTC.
2. The Applicant's development schedule must clearly demonstrate that the Project will be ready to close within 240 days of a reservation of funds from OHCS. Additionally, the schedule must show that funds will be invested in the Project and the Project will be constructed, leased, and stabilized within all required Program timeframes. These deadlines are published in the applicable OHCS program manuals and available on OHCS' website.

3.2.9. Adequacy of the Site Review Checklist

Applicants must have identified if there is any adverse environmental or site condition information indicated on the Project Site Checklist submitted at the time of pre-application that may make the Project or construction unsuitable. Depending on the impact to the Project, the Applicant must provide a satisfactory mitigation plan for any materially adverse information revealed in the Project Site Checklist or subsequently identified with submission of the full application. If the Site Review Checklist is not complete, OHCS may return the checklist to the Applicant to revise to OHCS satisfaction or the project may not be eligible to submit a full Application by the Application deadline.

3.2.10. Core-Development Documents (CDD)

Applicants must submit Core-Development Documents ("CDDs") located in Part 3 of the Core Development Manual (CDM). All Projects provided a reservation of funding through this NOFA must adhere to the CDM Version 3.1.

3.2.11. Development Team Capacity

Define the Development Team Capacity by filling out the narratives tab of the Application to respond to the following criteria.

1. **Construction Experience:**
 - a. Applicants must have and demonstrate a successful history of leading residential construction development of projects of similar (or larger) size and scope, such as, mid-rise versus high-rise, wood frame versus steel, and new construction versus rehabilitation construction.
 - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, for example, by partnering with a consultant or other experienced entity.
2. **Financing Experience:**
 - a. Applicants must have a successful history of closing the requested combination of financing, such as federal or state tax credits, mortgage financing, HUD HOME or HTF funds, and other grant or government funding programs.
 - b. If experience is limited, the Applicant must demonstrate mitigation for this concern, for example, by partnering with a consultant or other experienced entity.
3. **Development Team Experience:**

Applicants can demonstrate experience for this category by providing evidence of the following:

 - a. Management of similarly comprised development teams.
 - b. Explanation of the development team's experience with Projects of this type, size, and scope.
 - c. If an Applicant has multiple Project reservations, provide an explanation of how the development team has the capacity to administratively and financially support all Projects simultaneously.
4. **Financial Capacity:**
 - a. The Applicant's financial condition must not indicate any adverse conditions that might materially impair the Applicant's ability to perform the financial obligations as Sponsor during the construction or stabilization of the Project.
 - b. Provide a Real Estate Owned Schedule. The Applicant's existing real estate portfolio must be stable and self-supporting.
 - c. The Applicant's real estate holdings must be uploaded to the Project WorkCenter as a separate document.

3.3. Competitive Scoring

If the Application meets the criteria set out in Sections 3.1 and 3.2 above, then the Application will be competitively scored according to the scoring criteria described below.

3.3.1. Demonstration of Financial Viability (up to 10 points)

1. Well-documented and explained construction costs in the Application Proforma. At a minimum, the following criteria will be used to help determine score; however, scorers may use any part of the proforma and any evidence in the application to help score this section. **(up to 5 points)**
 - a. Development budget is adequately explained with construction documents & estimates substantially agreeing with the pro forma. Construction & Development contingencies are within OHCS guidelines, as identified in the OHCS General Program and Guidelines Manual (GPGM).
 - b. Contractor overhead, profit and general conditions are within the required range, as identified in the OHCS General Program and Guidelines Manual (GPGM).
 - c. Developer Fee is within OHCS allowances for project type and size.

- d. If Commercial Real Estate is included in the Project (i.e., a mixed-used Project), Sources and Uses are provided in the correct column of the proforma.
- 2. Reasonable request and demonstrated need for resources. At a minimum, the following criteria will be used to help determine score; however, scorers may use any part of the proforma and any evidence in the application to help score this section. **(up to 5 points)**
 - a. Rents are affordable to the target population, and any project-based rental subsidy is documented.
 - b. Operating expenses are within OHCS guidelines or adequately explained if underwritten to other funding program criteria (FHA, FHLMC, FNMA, USDA).
 - c. Vacancy rate at 7% or adequately explained.
 - d. Annual escalation of rents at 2% and annual escalation of expenses at 3%.

3.3.2. Resident Services: (Up to 20 points)

The Applicant must provide a Resident Services (RS) Description on the resident services form that is provided with the Application in Procorem WorkCenters. Memoranda of Understanding (MOU) for any services must be submitted along with the Application. If services are provided by the Sponsor, a letter of commitment from the Sponsor is required. The RS description must carefully detail the scope of services and how these services are specifically focused on serving the target population. The RS description must also clarify how services will be responsive to the following goals and guidelines for all units in the Project:

- 1. Explain how services are designed to be responsive to the needs of the focus population. Describe partnerships with organizations that have demonstrated experience and proven expertise in working with the target population. **(4 points)**
- 2. What is the approach to outreach and referral for the Project? Please be sure that the answer demonstrates an understanding of the target population's needs. **(3 points)**
 - a. If applying for VGHAP, ensure the response deliberately addresses the intended veteran population.
 - b. If applying for PSH services/rent assistance slots, include a high-level description of the referral process for the PSH units in the answer, which needs to include Coordinated Entry. If the Project is not utilizing Coordinated Entry, please explain why not and what coordinated referral process will be used. Projects can only propose to use a process other than Coordinated Entry if they have identified a coordinated process designed to address racial inequity and/or a Coordinated Entry system is not available in their community.
 - c. If applying for AWHTC, ensure that the response deliberately addresses the intended agricultural worker population
 - d. If the project is intending to serve any other specific population, ensure that the response includes that population
- 3. Describe how Project residents will access services that promote levels of self-sufficiency, independent living, and positive life choices through coordination, collaboration, and community linkages. **(4 points)**
 - a. If applying for VGHAP, ensure the response deliberately addresses the intended veteran population.
 - b. If applying for PSH services/rent assistance slots, please include a description of the on-site tenancy supports that will be offered, including intended staffing models and service delivery partnerships, if applicable, in the answer.

- c. If applying for AWHTC, ensure that the response deliberately addresses the intended agricultural worker population
 - d. If the project is intending to serve any other specific population, ensure that the response includes that population
- 4. Discuss how the Project will incorporate innovation or interventions that are likely to deliver better outcomes for veterans, agricultural workers, or the intended population to be served by the housing. **(3 points)**
- 5. Describe the Project's approach for ensuring that barriers in accessing and maintaining tenancy are proactively removed for historically underserved populations, especially veterans, people of color, persons who identify as LGBTQIA+, and women. **(4 points)**
- 6. Describe how outcomes will be tracked. **(2 points)**
 - a. If applying for VGHAP, ensure the response deliberately addresses the intended veteran population.
 - b. If applying for PSH services/rent assistance slots, please describe the anticipated outcomes for the Project's PSH Program and how outcomes will be tracked. PSH Service Providers are expected to track PSH household data and retention outcomes in HMIS. Describe the experience of the provider in data tracking and outcomes reporting, and their capacity to utilize HMIS for this program.
 - c. If applying for AWHTC, ensure that the response deliberately addresses the intended agricultural worker population
 - d. If the project is intending to serve any other specific population, ensure that the response includes that population

3.3.3. Minority, Women, and/or Emerging Small Business (MWESB) Engagement: (Up to 5 points)

This section is scored based on Application responses to the criteria below in the Application's MWESB Engagement Strategy tab:

- 1. Identify owners MWESB/SDVBE COBID certified and non-certified firm participation goal according to the Project's region and how the goal was determined.
 - a. Include what percentage of the construction cost (for example but not limited to: architect, engineering, attorney, environmental) participation goal the developer has committed towards MWESB/SDVBE owned subcontractors.
 - b. Provide how percentages were determined.
- 2. Outline the steps the construction team will take to achieve the owner's MWESB participation goals for subcontractors and suppliers.
 - a. Include what steps will be taken in ensuring the best outcome to meet the developer's commitment to its participation goals. For example, explain how the Project will be marketed to those least likely to apply, providing marketing materials that are culturally specific, and providing a multilingual staff member during the bid process.
 - b. Explain how both the general contractor and the developer will ensure solicitation to the COBID and non-COBID construction community. For example, explain where bid opportunities will be publicized or explain what relationships already exist that

can be leveraged. For example, partnerships with culturally specific or responsive organizations. If available, provide marketing materials planned for use.

3. Provide a summary of the general contractor's profile and team member demographics.
 - a. Include if the general contractor is a MWESB/SDVBE contractor or COBID member.
 - b. Provide demographics of the general contractor's staff and team members.
 - c. Where applicable, provide a list of OHCS funded Projects from the past five years in which the general contractor was the selected contractor. Specify the region where Projects were located and include the MWESB goals achieved. If OHCS's MWESB goals were not achieved, explain why the general contractor was unable to achieve stated goals.
4. Provide details for the general contractor's history of addressing MWESB/SDVBE subcontractor diversity, equity, and inclusion (DEI) in affordable rental housing projects. List any classes, seminars, or programs the general contractors have received or attended. Explain the general contractor plans to utilize local labor, community groups, and apprenticeships programs to engage MWESB/SDVBE subcontractors for participation in the Project.

3.3.4. Location: (Up to 5 points)

1. If Project is not in a USDA food desert. OHCS uses data from the following link (under Critical Service Gaps): <https://ejscreen.epa.gov/mapper/> **(1 point)**
2. Project is in a census tract where 50% or more of households earned more than 100% of the area median income in the last three consecutive years for which data is available, and the poverty rate is less than or equal to 20% during the same period **(1 point)**
3. Project has access to School / Education / Library / Workforce Training within ½ mile if an Urban Project and within 5 miles if a Rural Project **(2 point)**
4. Projects in Urban Areas: Project is in a TOD or within one half (1/2) mile of fixed transit stop; **(1 point)**
5. Projects in Rural Areas; has access to transit options **(1 point)**

If the Project is a scattered site, then Applicant must provide the values for all sites. The final score will be based on a weighted average of all sites based on the number of units. Scores are then rounded to the nearest whole number.

3.3.5. Community Need (Up to 6 points)

1. Provide information about the community in the project area. Include demographics and other sourced information.
 - a. If applying for VGHAP, ensure the response deliberately addresses the intended veteran population.
 - b. If requesting PSH funding, include information about veterans and/or households experiencing chronic homelessness.
 - c. If applying for AWHTC, ensure that the response deliberately addresses the intended agricultural worker population
 - d. If the project is intended to serve any other specific population, ensure that the response includes that population

2. Define the housing needs and the challenges the community (veteran, agricultural workers, or other population to be served) faces in securing housing. Describe how the needs are identified and how this Project will address those needs.

3.3.6. Collaboration (Up to 6 points)

1. Describe each of the partners in the Project and define each of their role(s). These include financial, service providers, managers, consultants, community organizations, culturally specific organizations, and developers.
2. Explain the leverage of financial resources other than those provided by OHCS in the Project.

3.3.7. Project Design (Up to 7 points)

Describe how the Project incorporates building features that contribute to the health and overall wellbeing of the residents and community. This may include but is not limited to explaining how the project incorporates: the natural landscape and, native flora, responsive to local weather, and includes common regional design, explaining how the units were designed to serve the target population, and detailing any green building or conservational designs. If applicable, explain how the community was engaged in the development of the Project's design.

1. If applying for VGHP, ensure the response deliberately addresses the intended veteran population.
2. If applying for PSH services/rent assistance slots, describe how the design of the Project is tenant-centered including physical design elements, location, how the population being served was/is a part of the design process (physical and/or services design), and how tenants will be able to provide feedback and participate in site and programmatic changes.
3. If applying for AWHTC, ensure the response specifically addresses the intended agricultural worker population.

3.3.8. Barrier Reduction (Up to 4 points)

Describe activities and strategies the Project plans to implement that reduce barriers to accessing permanent housing. List strategies to reduce barriers to accessing and maintaining tenancy or housing.

3.3.9. Averaged Affordability Restrictions (Up to 5 points)

The Application will automatically calculate eligible points for this scoring category based on the rents provided in the Rents and Incomes table of the proforma. Points in this section are earned by providing greater affordability restrictions than minimally required by GHAP (80% AMI). To calculate this, the AMI of all affordable units in the Project are averaged, this is referred to as the Average Gross Median Income (AGMI) of the project. Projects earn 1 point for every 10% AGMI below 80%. A maximum of 5 points can be earned. For example, a project with an AGMI of 30% earns 5 points.

3.3.10. Family Size Units (up to 5 points)

The Application will automatically calculate eligible points for this scoring category based on the average number of bedrooms per unit provided in the Rents and Incomes table of the proforma. Points in this section are earned based on the average number of bedrooms per unit.

1. Projects that have an average number of bedrooms per unit greater than 1.50 and up to and including an average number of bedrooms per unit of 1.75 bedrooms will receive 1 point.
2. Projects that have an average number of bedrooms per unit greater than 1.76 and up to and including an average number of bedrooms per unit of 2.00 bedrooms will receive 3 points.
3. Projects that have an average number of bedrooms per unit greater than 2.01 bedrooms will receive 5 points.

3.3.11. Focus on Serving Homeless Persons (Up to 4 points)

1. 4 points if setting-aside 25% or more of the affordable units in the Project to serve persons experiencing homelessness or chronic homelessness.
2. 2 points if setting-aside greater than zero but less than 25% of affordable units for persons experiencing homelessness or chronic homelessness in the Project.
3. 0 points if there are no units for persons experiencing homelessness or chronic homelessness in the Project.

3.3.12. GHAP/Gap Subsidy Per Unit (Up to 8 points)

1. The Application will automatically calculate eligible points for this scoring category based on the VGHAP/GAP request in the Budget Sources table of the proforma. Eligible points are calculated by dividing the Project's maximum eligible subsidy request (maximum subsidy per unit table in section 1.3.6.2) by the Project's total capital request.
2. 1 point is earned for every 10% the project request is below the maximum subsidy per unit. Example: if the Project requests 30% below the maximum subsidy allowed, the Project earns 3 points. A maximum of 8 points may be earned. Values are not rounded; 29.9% below maximum subsidy is eligible for 2 points.

3.3.13. Development Team Capacity (Up to 5 points)

Respond to the following criteria in the application on the narratives sheet.

1. **Construction Experience:** Describe staff experience leading construction of projects of similar (or larger) size and scope such as mid-rise versus high-rise, wood frame versus steel, and new construction versus rehabilitative construction. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern.
2. **Financing Experience:** Describe staff experience closing the requested combination of financing, such as tax credit, mortgage financing, GHAP funds, and other grant or government grant or loan programs. If staff experience is limited, discuss whether you will partner with an appropriate party to mitigate this concern.
3. **Management Experience:** Describe the Applicants experience with management of similarly comprised development and or project teams.
4. **Development Team Experience:** Describe the development team's experience with projects similar to that of the proposed Project type, size, and scope.
5. **Multiple Project Reservations:** If Applicant has multiple project reservations with OHCS, explain how the development team has the capacity to support all projects simultaneously administratively and financially.
6. **Only for Projects requesting OHCS PSH PBRA and services resources:** Describe how Applicant's partner for providing PSH Services (or Applicant itself) has a successful

history of working with the population being served.

7. **Only for Projects requesting OHCS PSH PBRA and services resources:** Describe Service Provider's experience collecting and reporting, or the capacity to begin collecting and reporting, PSH data via HMIS (*current utilization of HMIS is not a requirement). If requesting PSH Rental Assistance and Services Funding, describe the Service Provider's organizational experience and/or the capacity to track and report all financial activities for PSH operations funding.
8. **Portfolio Performance:** Provide any additional information for the scoring team to be aware of regarding the Applicant's asset management and portfolio compliance.
9. **Real Estate Holdings:** Applicants are required to submit a Schedule of Real Estate Holdings (REO schedule) for projects with 10 or more units or when the project cost is more than \$500,000. Submit the REO schedule along with the Application. The REO schedule can be provided in a format currently in use by the sponsor or see the below link for a format provided by OHCS.
<https://www.oregon.gov/ohcs/development/Documents/admin/Schedule-Real-Estate-Holdings-Schedule9.xls>

3.3.14. Tribal Participation (up to 3 points)

Up to 2 points are given to projects that have a federally recognized tribal government, or tribally designated housing entities or tribal corporate entities engaged in the project through a signed MOU. The Project can be located on or off tribal trust land to receive these points.

Up to 3 points are given for a tribal-led Project: A Project that is sponsored by a Tribe, a Tribally Designated Housing Entity, or an organization owned by a Tribe, or if one of these eligible entities has at least part ownership the project.

3.3.15. OHCS PSH Institute Completion (2 points)

Projects that have participated in and completed Oregon Supportive Housing Institute receive 2 points.

3.3.16. Federally Declared Wildfire Disaster Area (Up to 5 points)

Up to five points will be given based on OHCS adopted scoring for areas impacted by the 2020 Wildfires. These points are scaled in relation to the overall housing impact within the 8 federally declared disaster area counties, focusing on cities and Census Tracts as appropriate. Additional detail on these points can be found in the established methodology document at;

<https://www.oregon.gov/ohcs/development/Documents/nofa/2021/FederallyDeclaredDisasterArea-PreferenceforNOFA.pdf> as well as established within the NOFA score sheet.

3.4. Reservation and Award Process

3.4.1. Application Ranking

1. Projects are reserved funds on a competitive basis based on the scoring criteria in Section 3. Projects are ranked in order of highest to lowest score.
2. For projects to receive a score, they must first meet Threshold Requirements (section 3.1).

3. To be eligible for a reservation of funds, Projects must score a minimum of 60 points out of a total maximum of 100.
4. Projects with any VGHAP subsidy request will be ranked and allocated funding separately in the Veterans set-aside. All other projects will be ranked and allocated funding in the Small Projects set-aside.
5. Projects are then grouped in each set-aside by their Regional Set-Aside and selected in those set-asides for a reservation of funds in the order of their score until the next Project can no longer be fully funded with funds held in that set-aside.
6. Projects with scattered sites in both Urban and Rural Areas will be categorized in the Regional Set-Aside for the Regional Area containing the most units in the Project.
7. During the scoring and reservation process, limits on the remaining available funding may result either in lower-ranked Applications receiving a reservation of funding under this NOFA ("Reservation") if higher-ranked Applications would require funding that exceeds the amount that remains available for reservations, or OHCS may leverage other OHCS resources to fully fund the higher-ranked Application(s) as it determines available.

3.4.2. Tie Breaking Rule:

If the total score of two or more Applications result in a tie and funding availability is insufficient to fund all tied Applications, the following criteria, in order of priority, will break the tie:

1. The Application with the highest Resident Services score will first receive a Reservation.
2. If the Resident Services scores are tied among two or more of the immediately above-described Applications, the Application with the highest Community Need score will first receive a Reservation.
3. If the Community Need scores are tied, the Application with the lowest GHAP subsidy per unit requested through this NOFA will first receive a Reservation.

3.4.3. Selections and Recommendations for Funding Reservations:

1. After scoring is completed and Applications are prioritized for funding according to sections 3.4.1 and 3.4.2, Application selections are then presented to the Housing Stability Council (Council) as recommended for funding and approval.
2. The final selection of Applications for Reservation, if any, will come from those Applications that best meet the competitive scoring requirements, as further recommended by OHCS's Executive Director, and approved by the Council, and made in accordance with available Funds.
3. Applicants, if any, that OHCS determines to provide a Reservation of funding pursuant to this NOFA will be designated as awardees ("Awardee(s)") in the Reservation and Conditions Letter (RCL) issued by OHCS. All Reservations are conditional in nature, contingent upon the terms upon which they are made, approval by the Council, the continuing availability to OHCS of the described funds or tax credits (collectively or individually without distinction, "Funds"), the continuing authority of OHCS to disburse or allocate such Funds, and the successful negotiation, execution, and recording (if required) of the Agreement Documents.

4. General Terms and Conditions

- 4.1.** Funding in this NOFA is subject to the continuing availability to OHCS of the described funds or tax credits, the continuing authority of OHCS to disburse or allocate such funds or tax credits, and the successful negotiation, execution, and recording (if required) of relevant documents in a manner satisfactory to OHCS.
- 4.2.** If AWHTC are oversubscribed before Gap funds can be fully allocated, OHCS reserves discretion to allocate other sources of funds to avoid a funding gap in projects that would otherwise receive a reservation of funding.
- 4.3.** OHCS may require additional information to determine whether an Application satisfies relevant criteria. Any necessary clarifications or modifications normally will be made before OHCS makes any Reservation and may become part of the Agreement Documents but only if affirmatively so stated in the Agreement Documents.
- 4.4.** Submission of an Application by Applicant or acceptance by OHCS of a submitted Application neither constitutes an agreement of any kind between OHCS and Applicant nor does it secure or imply that Applicant will be selected for receipt of a Reservation of Funds.
- 4.5.** In the extent that other OHCS funding sources are awarded to the Project and have additional or other requirements, the most restrictive requirements will apply to the Project. Applicants should review and evaluate other OHCS funding sources they intend to apply for to comprehend the additional restrictions that may be required; this is the sole responsibility of the Applicant and not OHCS.
- 4.6.** All costs associated with Applicant's submission of an Application are the sole responsibility of the Applicant and shall not be borne to any degree by the State of Oregon.
- 4.7.** Successful Applicants will be required to maintain appropriate levels of insurance and to comply with the GHAP Project Requirements and other OHCS policies, including execution of the Agreement Documents.
- 4.8.** OHCS reserves the right and option to amend any Reservation Letter and other related documents that result from a Reservation made pursuant to this NOFA. All such amendments will be in writing and must be signed by relevant authorized parties. Applicants may only apply for funding of one (1) phase of a multi-phase Project under this NOFA.
- 4.9.** ORS 60.701 requires foreign corporations to be registered by the State of Oregon, Office of the Secretary of State, before conducting business in the State. A foreign corporation (ORS 60.001) means a for-profit business corporation incorporated under a law other than the law of the State of Oregon. If a foreign corporation is selected for the Agreement because of this NOFA, it must register to do business in Oregon.
- 4.10.** OHCS reserves the right:
 - 4.10.1.** to amend this NOFA prior to the closing date;
 - 4.10.2.** to amend the deadline for submitting Applications;
 - 4.10.3.** to determine whether an Application does or does not substantially comply with the requirements of this NOFA;
 - 4.10.4.** to waive any minor irregularity, informality, or nonconformance with the requirements of this NOFA;
 - 4.10.5.** to obtain from and/or provide to other public agencies, upon request, references, regarding the Applicant's performance;
 - 4.10.6.** to reject any Application that fails to comply with the requirements of this NOFA, at any time prior to execution of the Agreement Documents (including after announcement of the apparent Reservation)

- 4.10.7.** to reject all Applications received and cancel this NOFA upon a finding by OHCS that such cancellation would be in the best interest of the State;
- 4.10.8.** to use adherence with components of the Applicant's Application and this NOFA as consideration for scoring criteria in future multifamily funding solicitations;
- 4.10.9.** to withdraw any funding source from this NOFA; and
- 4.10.10.** to waive any term or condition of this NOFA for good cause as determined by OHCS.
- 4.11.** This NOFA and a copy of each original Application received, together with copies of all documents pertaining to a Reservation, will be kept by OHCS and made a part of a file or record, and be available for disclosure pursuant to the Oregon Public Records Law. All Applications are public record and are subject to public inspection after Agency issues the Award. If an Applicant believes that any portion of its Application contains any information that is a trade secret under ORS Chapter 192.345(2) or otherwise is exempt from disclosure under the Oregon Public Records Law (ORS 192.311 through 192.478), Applicant must provide in writing its request for exemption from disclosure and a fully redacted version of its Application.
- 4.12.** Applicants are cautioned that budget information generally is not considered a trade secret under Oregon Public Records Law (ORS 192.311 through 192.478) and identifying the Application, in whole, as exempt from disclosure is not acceptable. Agency advises each Applicant to consult with its own legal counsel regarding disclosure issues. If the Applicant fails to identify the portions of the Application that an Applicant claims are exempt from disclosure, the Applicant has waived any future claim of non-disclosure of that information.
- 4.13.** An Applicant or potential Applicant seeking to challenge any aspect of this NOFA is subject to and must comply with the provisions of OAR 813-005-0025 Solicitation Protests; Administrative and Judicial Review.
 - 4.13.1.** With respect to any solicitation conducted by OHCS, an Applicant or potential qualifying Applicant may protest or otherwise challenge such solicitation process by first requesting an administrative review as herein specified.
 - 1. With respect to any solicitation conducted by the department, an Applicant may protest or otherwise challenge any department determination or order (collectively hereinafter, "determination") related to such solicitation by first requesting administrative review as herein specified.
 - 2. A timely, qualifying request for administrative review is necessary to satisfy the conditions of this section and a condition precedent to judicial review consistent with ORS 183.480.
 - 3. Failure to file a timely, qualifying request for administrative review with OHCS will constitute a failure to exhaust administrative remedies and terminate further rights to protest or otherwise challenge the solicitation process or any related OHCS determination, including judicial review thereof.

- 4.13.2.** An Applicant under this section is a person or entity that makes an application (including delivery to OHCS under the terms of the solicitation) for a funding award pursuant to a particular OHCS solicitation. A potential qualifying Applicant is a person or entity that qualifies to make an Application for a funding award under the terms of an OHCS solicitation with respect to the process of which it requests administrative review consistent with the terms of this section.
- 4.13.3.** An Applicant or potential qualifying applicant seeking to protest or otherwise challenge any aspect of a solicitation process (other than an OHCS determination related thereto) must request a review by OHCS within fourteen (14) days for the Application due date of the solicitation. An Applicant seeking to protest or otherwise challenge a determination by OHCS related to a solicitation must request review by OHCS of such determination within fourteen (14) days of the Applicant receiving notice from OHCS of that determination.
- 4.13.4.** Any request for review under this section must be in writing, specifically identifying:
1. The nature of the requestor's interest, including the facts showing how the requestor is adversely affected or aggrieved by the solicitation process or a department determination;
 2. The relief sought;
 3. Each of the grounds for review;
 4. An explanation for each of the grounds upon which relief should be granted; and
 5. Any supporting information the requestor desires to have considered by OHCS.
- 4.13.5.** The envelope containing the request for review MUST:
1. Be marked PROTEST;
 2. Identify the solicitation number;
 3. Identify the closing time and date for acceptance of solicitation applications;
 4. Identify the OHCS contact person for the solicitation; and
 5. Be received by OHCS at its main Salem Office, Oregon Housing and Community Services 725 Summer Street NE, Suite B Salem, OR 97301, not later than 4:00 PM on the fourteenth (14th) day after the solicitation closing date or the Applicant's receipt of notice from OHCS of its determination from which review is requested, whichever due date is applicable under this section.
- 4.13.6.** The Applicant will be deemed to have received notice of an OHCS determination upon the sooner of:
6. Three (3) days after the OHCS determination is mailed to the applicant;
 7. Two (2) days after such determination is posted to the department's website;
 8. Two (2) days after the list of successful solicitation applicants is posted to the OHCS website; or
 9. One (1) day after such determination is emailed to the Applicant.
- 4.13.7.** OHCS may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.
- 4.13.8.** OHCS will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.
- 4.13.9.** Judicial review of OHCS response to a timely, qualifying request for review shall be limited to those grounds the requestor raised with OHCS in its request for review.
- 4.13.10.** The filing of a request for review, or subsequent judicial review (if any), will not preclude OHCS from moving forward with the solicitation or the award of funding assistance

thereunder. However, OHCS reserves the right to delay, terminate, modify, or take other action it determines to be appropriate with respect to a solicitation or any related award of funding assistance in response to a request for review or subsequent judicial review.

- 4.14.** OHCS' contact person for this NOFA is Edward Brown. His contact information is as follows:
Oregon Housing and Community Services
Attn: Edward Brown
725 Summer Street NE, Suite B
Salem, OR 97301
Email: MFNOFA@hcs.oregon.gov
- 4.15.** Reservations, Allocations or Awards by OHCS (collectively, "Determinations") may be subject to Council review under ORS 456.561. Determinations that include additional OHCS funding subject to Council review, are contingent upon Council's approval of those Determinations or supporting funding. The Council may approve, reject, modify, or further condition funding awards submitted for its review, thereby directly or indirectly impacting OHCS' Determinations and Reservations.
- 4.16.** All Reservations made pursuant to this NOFA are subject to the successful negotiation, execution, and recording (if required) of any and all Agreement Documents. Projects that have only a leasehold interest in relevant real property must also include binding commitments executed and recorded by the landlord satisfactory to OHCS including, but not limited to, restrictive covenants with respect to the ongoing use and operation of the real property and leasehold interest for affordable housing acceptable to OHCS.
- 4.17.** By accepting a reservation of funding from this NOFA, the Applicant must withdraw other funding pursuits through OHCS's future NOFAs for the Project.
- 4.18.** OHCS may charge, and the Applicant shall pay, legal and administrative costs reasonably anticipated or incurred by OHCS in negotiating and preparing all Agreement Documents or otherwise reasonably incurred. OHCS also may charge and Applicant shall pay any other fees with respect to the Application, ensuing Reservation, Award or Allocation, and Project operation.
- 4.19.** Provisions stated in the form of a question in this NOFA shall be construed as required action by Applicants.
- 4.20.** OHCS reserves all other rights not specifically identified herein, including but not limited to rights, remedies, and requirements established in OHCS administrative rules or other law.